



Public Service Commission

State of North Dakota

COMMISSIONERS

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Randy Christmann
Julie Fedorchak

Executive Secretary
Darrell Nitschke

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4 February 2015

Wade Mann, Director
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, ND 58503

Re:
Public Service Commission v.
Rock Solid Excavating, Inc.
Damage Prevention Enforcement
PU-14-633

Dear Mr. Mann:

Enclosed is a request for an Administrative Law Judge in the captioned case. A Complaint has not yet been filed and a hearing has not yet been scheduled. When the Complaint is filed we will forward the Complaint to your office. We will also forward any Notice of Hearing issued.

The Administrative Law Judge will serve as a procedural law judge and the hearing will be electronically recorded.

If you have any questions, please contact me. Thank you.

Best regards,



Illona A. Jeffcoat-Sacco
General Counsel

enclosures

c: w/encls. Mark Todd, Rock Solid Excavating, Inc.
Kent Kahl, WBI Energy
Mitchell Armstrong & Brian Schmidt



REQUEST FOR ADMINISTRATIVE LAW JUDGE--COMPLAINT
 NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS
 SFN 17818 (Rev. 06-2007)

Name of Agency, Board, or Commission North Dakota Public Service Commission		
Name of Respondent(s) Rock Solid Excavating, Inc.	Address PO Box 235, Park City, MT 59063-0235	Telephone Number (406) 855-8371
PSC Case No. PU-14-633		

The above named agency, board, or commission has taken administrative action pursuant to its authority found in North Dakota Century Code Chapter 49-23 _____ (North Dakota Century Code and/or North Dakota Administrative Code).

The administrative action is more fully described as follows: Hearing to determine if Respondent violated N.D.C.C. Chapter 49-23, the North Dakota One-Call Law, and if a violation is found, should the Commission impose a civil penalty.
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Has the respondent been provided a copy of the complaint? Yes No

Attached is a copy of the complaint, related documents and correspondence, and certificate, affidavit or admission of service. If the respondent has otherwise been notified about this administrative action, please explain in the comments section below.

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 28-32-31(5). See NDCC 54-57-04.
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.

Agency Contact Person(s) See attached	Telephone Number
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Representation [attorney (or other)] if known:

Agency See attached	Telephone Number
Party See attached	Telephone Number
Party See attached	Telephone Number

Additional Comments A formal Complaint has not yet been filed and no Notice has been issued. When these are available we will forward them to your office.

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person Illona A. Jeffcoat-Sacco, General Counsel	Date 2/3/2015
Signature of Requesting Person x	Telephone Number (701) 328-2407

Attachment
 Request for ALJ
 4 February 2015

Public Service Commission v.
 Rock Solid Excavating, Inc.
 Damage Prevention Enforcement
 PU-14-633

AGENCY	Address	Telephone Number
North Dakota Public Service Commission	600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	701-328-2400
Representation Mitchell Armstrong & Brian Schmidt	Address Smith Bakke Porsborg Schweigert & Armstrong 122 E. Broadway Ave. Bismarck, ND 58501	Telephone Number 701-258-0630
John Schuh Advocacy Staff Counsel (Pending Commission Motion)	600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	701-328-2421
Illona A. Jeffcoat-Sacco PSC General Counsel & Advisory Counsel	Address 600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	Telephone Number 701-328-2407
PARTY Rock Solid Excavating, Inc.	Address PO Box 235 Park City, MT 59063-0235	Telephone Number 406-855-8371
Contact Name: Mark Todd		
Representation To be determined	Address	Telephone Number